G. R. S. IX-5]

Previous references.

File No. 198-11.

1917.

" 10-95 (Gunzrai)

Serial Nos. 1-2

Later references.

+ 321-17

M 278-27-(1-8)

LR 125-28-(1-6)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2.

Part B for Aug. 17.

SUBJECT.

Restoration Mudalodu village in the Goribidanur Taluk to Sri Uttaradi Matt.

---

2. Dy. Commr. Kolar. No 536. D. 31. 8. 17

Fds a Copy of the G. O.

G. O. No. 556—Muz. 198-11, dated 31st Aug. 1917.

Restoration.

Directs the —— on certain conditions, of the inam village of Mudalodu in the Goribidnur Taluk to the Sri Uttaradi Matt at Hole-Narsipur.

W D 88—GPB—50,000—24-7-16

191/ .

GENERAL AND REVENUE SECRETARIAT.

(Munzrai)

NOTES.

File No. 1980/1911

FILE HEADING.

Petition from the Agent of the Sri Uttarade matt praying for a re-consideration of the Govt. order relating to Sarvamanya Mudalodu Village in the Gowdidanur Taluk.

From

K. Vyasachar, Agent of the Sri Uttarade Matt.

~~No.~~ Petition Dated 2-8-1911 Received

Diary No. 201	Enclos. -	Spare Copies. -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Complains that the documents produced by Hanere gayaramachar and Venkatanadhwachar in support of their claim to the said village, are fabricated and prays that the village may be given back for the Matt.

NOTES AND ORDERS.

1 Munzrai collections File nos. 66 of 1897 and 24 of 1906 are herewith submitted.

2 The office-note in file no. 66 of 1897 gives the facts of the case so far as it relates to the restoration of Mudalodu [illegible]

NOTES—First Sheet.

GPB—30,000—12 8 11

Revenue Secretariat. | File No. 198 of 1911

Serial No.

gajaramachar.

3 In the Inam register, it is mentioned that the Sarvamanya village of Mudaloden is a Devadaya Inam for the support of the Uttaradi matt at Holenarasipur and for daily, Puje, Neinedya etc. to Satyavaraha Swamy's Brindavanam at Santebidanur in the Hindupur Tq. It is also stated that the village was specially enjoyed by Krishnachar and Venkatamadhwachar in equal shares and was granted by the priest of the matt.

4 One Seshappa, Shanbhogue of Mudaloden, having memorialized H H the Maharaja in 1903 complaining that this village was being enjoyed by the relatives of the late and the then Swamies of the matt, necessary enquiry was instituted. In pursuance of the General order no 1621-34 Dy 9-11-04, this village with other lands of the Uttaradi matt came under Govt management. After a perusal of the Dy. Commrs reports, in G.O no 916-7. Dy 18 the August 1910, one of the vicarie of this village, a Sanyasi of the

NOTE—Contn. sheet

GPB—50,000—12 8 10

S. 12]
and Revenue
Secretariat.

Inam File No. 198 of 1911

Serial No.

was ordered to be paid to Venkata
madhwachar and Krishnachar or
their representatives for services at
the Bendidavana and it was
directed that a period of 6 months
should be given for the last time
to the said persons to prove their
right to the village in question—
5 In G.O no. 3556-8 Dy 27th Feby 1907
on a perusal of the documents pro-
duced in the case, Govt observed that
the ancestors of the claimants got
the village in exchange for sufficient
consideration, and as regards the
point whether the matt had the power
to make such an exchange, the
arguments of the petrs quoting certain
instances in which the former
Swamies had assigned the matt
villages for certain services at certain
Bendidavanams both in and out of
the Mysore Province, were not accepted.
The village was directed to be restored
to Kaveri jagaramachar, one of the
enjoyers thereof—

6 From the file of 1906, it will
be observed that Govt [illegible]

d Revenue
tariat.

Mur File No. 198 of 1911

Serial No.

Venkatramadhwachar having petitioned urging their right to this village, the matter was referred to the Dy Commr and that officer having reported that the petrs settled their dispute by a compromise with the other party and that no action need be taken, this Communication was recorded in G.O no. 565 Dy 21st August 1909 -

7 The Agent of the uttarade mutt prays for a re-consideration of the G.O. of 29th Feby 1906 - He says that the khata of the village is in the name of the mutt and that contrary to Manual and the alienation rules of 1894, it is in the enjoyment of Hanumi Venkata-madhwachar and Hanumi Jayaramachar, son and brother of a former Swamy. He complains that the mutt had no notice when the Govt ordered the restoration of the village, and prays that after enquiry it may be restored to the mutt for puja of Sri Ramachandra Devaru

Submitted with Dft note -

A11
6/11/1911

For the

NOTE—Contn sheet

GPB—50,00 1—12 8 10

12] and Revenue Secretariat. | Mur File No. 198 of 1911

Serial No.

9 Issue. Writ to issue Summoning only one party
The other party also to be Summoned.
8/11/11 to 19.

10 Submitted with 2 ft notes & the other papers
11/11/11 11 Issued 11/11/11

12 Jayaram Achari & Varkeda.
Madhwacharlu for many the
present. Mr Narasinga Rao to
proceed for an order Application
Notice issue after draft is filed
By order
Asst Secy
11/11/1911

13 Submitted with 2 ft notices for the 7th prox.
14 Case adjd to a day in the table part
applied. and date mine in due course
7.12.11

Adj

Subd to 18th Councillor
15 The present case partakes
partly of the nature of adarikaterchalli
case and partly of the Gollahalli case.
The decision of Govt dated 25th Feb
1906 was based on two considerations

Serial No.

viz that the alienation was for a sufficient and valid consideration and that the transfer took place so far back as 1842. Summary resumption is permissible under the rules of 1877, only where the alienation is subsequent to 1853 but under cl A of para 2 of the rules the holders are liable to pay the resumption a fixth of half the assessment. This would only follow if it is held that the Swami had no right to alienate the village whether for money consideration or in exchange for properties elsewhere particularly when the latter happen to be outside the State

16 As regards the stipulation for the expenditure of Rs 100 for worship at the Bonidaranna at Santebidnur it is a legitimate charge on the income from the village the worship being expressly provided for in the original grant itself

17 The village will have to continue as devadaya and it is a matter for consideration whether the Matt is not entitled to more-

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

after Assessment and while the payment to Sante Kidnur Brindavan may be deducted

Lee
13.8.13

18) Mr Narasinga Rao, Advocate, has presented a written Statement in Mandalodu village claimed by the Sri Uttaradi matt

19) Submitted
AV (13)
6.9.1913

20) Please continue the case giving briefly the arguments and the docts relied upon

Lee
13.11.13

21 The Agent states as follows:—
22 In his petition dated 24-11-05, the Counter-petitioner Haveri gajaramacha says that in the Dana-patra of the year Rowdri (1860), a reference is made to the Dana-patra of Sabbe-kritu making a gift of the Mandalod village to his ancestors, and that the village has been in the enjoyment of his family for 60 or 65 years.
23 The matt contends that 1st co-pet

PB—65,000—17-6-12.

Serial No.

Venkatamadhwachar's father, and the
2 ½ cr- petr Jayaramachar's father
Kristachar's elder brother was the Matha
-adhipati from Subhakritu to Rowdri
and Venkatamadhwachar and Kristachar
were then looking after the matt affairs,
that when this Swamy was on his
death-bed, these might have somehow
managed to get the so-called Dana-
patra wherein they falsely refer to
another Dana-patra of the year Subha
-kritu. There is no Truth in their State-
ment that the village was gifted
in Subhakritu and if, as a matter
of fact, such a gift had been made,
the document would have been produced
but it has not been done.
(2) The fact that Sri Satyaparayana
Swamy was the mathadhipati from
1842 to 1863 was not brought to the
notice of Govt who in their order
releasing the village from attachment
and restoring it to the cr- petrs,
refer to the cr- petrs' statement
that Sonne Swamy made a gift of
this village to them. If the Govt
had known the real state of things

GPB—60 000—7 11 13

Serial No.

they would not have passed this order-

25) The Cr-petrs who were the Agents and the relatives of Sri Satya Parayya Swamy might have fabricated the documents referred to in their petition these papers do not help them and it is not likely that they were then enjoying the village to the prejudice of the matt. The period under which the village was under their management as Agents of the matt, is also represented as being the period of enjoyment as their own-

26) Subbanna is the matt Sambog of the village. From the papers (which consist of orders issued to him from the matt about this village between the years 1842 and 1840) submitted to Court by him, it will be seen that from the years Subhakrithu and Sobhakrithu to Pramoduta, the village was in the management of the matt and the Cr-petrs were acting as Agents.

27) There was no necessity for the then Swamy to sift away this big village yielding an annual income

These documents are kept in a sealed cover)

GPB—60 000—7 11 13

Serial No.

of Rs 1000 nor had the Swamy any right to do so it does not seem that the gift was actually made. The cr-petrs have managed to fabricate the documents with a view to secure the ownership of the village - A sum of Rs 100 is alleged to be utilized for services at the Brindavana, though the amount is being mis-appropriated by them. The Brindavana enjoys a cash grant of Rs 25 per mensem from the mysore Govt and Rs 10 from British Govt.

26) The cr-petrs allege that they owned some private lands in Donje village of Bombay Presidency, in exchange for which they got Inundalodda village from the Matt. The Donji village has been in Charge of the Matt and the enjoyment of the Matt and the cr-petrs did not at any time possess any lands in it. The cr-petrs seem to have produced some papers to show that the Matt gifted to their ancestors some lands in Donji village, that they re-transferred

GPB—60,000—7 11 13

eral and Revenue Secretariat. | File No. 198 of 1911.

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These lands to the Matt and got in its Head Mudalodu Village. These documents cannot be relied upon as no independent evidence has been adduced by them to prove their genuineness.

2a) During the life-time of Sri Satyaparayana Swamy, the Ex-pets were doings acts as Agents of the Matt and after the demise of His Holiness in the years 1860, They might have come to the possession of the Village. The alienation Rules of 1877 may be ~~and applicable~~ to applied to the Case and the village restored to the management of the Matt

3b) Submitted for orders

NWC(115)
28-11-1913.

Subd to 7th Councillor

31 The agent of the Matt may kindly furnish the genuineness of the Adar documents evidencing the original exchange of the village for certain lands in Somajee and other villages and has presented through the Shanbogue of Mutha Adar certain orders from the Matt

NOTE—Contn sheet.

GPB—60,000—7-11 13

Serial No.

giving to show that the village in question was under the Mutt management in Subha Krithu (1842-3) and Subha Krithu (1843-4). Admittedly the original transfer was alleged to have been made in Subhakrithu Krishna Yajna Aashada or July 1842 and the other documents dated Subhakrithu Sravana and Subhakrithu Karthika clearly show that for about 18 months later, the management of the village was still with the Mutt. It is certainly significant that the document of Subha Krithu actually transferring the village has not been produced.

32) Another document of Prabhavathi (1870-1) from Venkatachariar to Subbarao is produced wherein a reference is made to the orders of Swamiyar with reference to the affairs of the village. The reference is capable of being explained away and does not conclusively establish that the management of the village continued with the Mutt up to that year. It is however remarkable that no documents between 1843 and

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Transvaal

(13

121

General and Revenue Secretariat.

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1870 have been forthcoming from the same source.

33) The apel. makes certain further allegations about the bona fide nature of the transaction which is not borne out by the documents produced & they are merely statements made by parties which have still to be established. On the whole there does not appear to be satisfactory evidence on either side

Lch
2:12:13

34) Judgment with Dft to the 25th July

MM(115)
4-7-1914

35) Mr. H. M. Rae for the Plaintiff

36) Mr. Lubeck for Opponents was an adjt for want of instrs

Lch

37) Adjd to 8th Sept

38) Dft. Petition dismissed

MM(115)
29/7/14

39) Order

40) Judgment with Dft's costs

MM(115)
4-9-1914

January 3rd

NOTE—Contn. sheet.

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(14

al and Revenue Secretariat. | File No. 158 of 191 |.

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Mr. H. Narasinga Rao for applt and Mr. Lubeck for the respts. Owing to the absence from the Station of the 1st Member, the case is adjd to 11th Feby.

Lee

2821

43) A statement of arguments has been filed after applts. Mem arguments have more or less been touched upon in the karnatakam written statement already filed and have already been examined to some extent. The appellant complains that the matter had no previous notice before the village was declared to the parties. It is questionable if the matter had any right to be heard at that stage. The village was attached temporarily in the matter of Govt. keeping with a view to explanation as regards the right of the parties in possession. Being a suit filed with the prima facie case put forward by the Respts, the attachment was made This does not prej

NOTE—Contn. sheet.

GPB—60,000—7-11 13

Serial No.

any action which the Mathe may deem fit to take.

44) The appellant has advanced forcible arguments to show that the Mathe continued to have control over village even after 1842. From the statement of Havari Kishnaba before the Asst Supt. as the special agent of the Mathe, it is clear that the transfer was made in 1860. This statement is valuable as an admission made by the party himself.

45 It is only from the statement of this Kishnaba that it is made out that a portion of the income from the village (i.e. the made up of Salgaonkarancha Bandar and Pajin for the original Sanad Deity is receiving separate Tasdik both from the Nagpur and British Govts.

46 It is the latest and the valuable consideration alleged by the parties that the transfer was only one of

NOTE—Contn. sheet.

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been established beyond doubt and looking to the circumstances after near relationship between the original transferee and the transferor Satya Paragave Swamy the probability is on the other way.

47 It is however a matter for consideration whether it is expedient for Govt to review its own order merely is after all a mere preponderance of probabilities.

48 The ~~written~~ statement of arguments on behalf of the Respts has filed and been perused.

Advocates heard —

For respt —

50 The document of 1860 shows that the donee had an interest previously in the village.

The main settlement was in favour of the Mathas. (~~1872~~ 1871).

For Mathas —

51 The village had been in

NOTE—Contn. sheet.

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(17

ecial and Revenue Secretariat. | File No. 98 of 191 1.

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possession of before 1863.

57 The respondent says that this village was excluded from the list given by the Mathakara of these villages.

(Where is the deed?).

53

Order res 3

4/3/15

54 Note upon the manner in which the [illegible]

56 The statement of the respondent relating to the exclusion of certain villages from a statement presented by Govindasami is not quite accurate. The fact appears that these villages were also included in the list but the Muttayan Govindasami contended that as the villages were not in the possession and enjoyment of the Matha, the income from the villages should not be taken into account at the [illegible]

NOTE—Contn. sheet

GPL—25 000—2 11 14

(18

General and Revenue Secretariat. | File No. 198 of 191 1.

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Servants ytm Matter. A note y the contention is to be found in the Karnata precis made ytm manager ytm Mysore Suffolk Office. How far, even than a statement y grievances will bind the Matter remains to be considered. This grievances does not appear whether had any pleader attorney. His argument was advanced ytm Matter when it was disputed is liability under the Compromise

Contn. in pencil

Notes 29/8/15

57) Alleged alienation 15 ½ Not Entirely. Alienation. 1860 or so.

Sham Settlement. (Receipt taken not decided) In name of Martha. 1875 In order of 1950, ytm to Plff's: Reasons: Exchange for valid Govt's, ~~land~~ things not burdened, grants for Govt's, services performed.

Original summons not produced

Martha not represented in 1950. or later, in order was an executive order.

NOTE—Contn. sheet.

GPI—25,000—2 11 13

(19

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~~Cauvery Sluices~~

587) This file was received without separate orders together with the file relating to Adanikalenkali from the 1st member. The case is similar and it is perhaps the intention of the member that both the cases may be decided together

Sd
17.4.11

5236
1911-12

NOTE—Contn. sheet.

GPB—25,000—2.11.W

S. III-2]

General and Revenue Secretariat.

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	Encld. with a Dft. order, and a Dft. endt. as directed No (94) 7.3.17 Secy) 8.8.1917 18/8/17
2	No: 556 dt 31.8.17, & the de y Kolar, Fds been a cdn, J to, directing That the matt ule be given the option of receiv ing the village on payment to the aliene of a reasonable Compensation (to be fixed by the Govt with the assist y Govt) & in default of payment the village shd be fully assessed dgs in respe of the alienee, the extra revenue being made over to the matt as a cash Pn: & No 557 dt 31 8 17 Secretary y the above to Govt in Pol Dept for [illegible]

NOTE—Contn. sheet

మేస్త్రీ కుంభరు ఫిర్కెడున్ పోలీసు వారు ఆరంభము అయిన మిగ్గా కోర్టు వారి సమక్షమునకు—

మేస్త్రీకుంభరు తాము కంచ పోలీసు ఠాణాలో ఫిర్యాదు నమోదు చేయించిన వారిపై కోర్టులో ఫిర్యాదు చేయడానికి అనుమతి కోరుతూ దరఖాస్తు చేసుకున్నారు

కోర్టు అంశ డిస్ట్రిక్టు సూపరింటెండెంటు బదనుంచి కాంస్టేబుల్ వరకు నిరీక్షించి మొదలుకొని తరువాత ఒక సిగ్నల్ వచ్చిన వెంటనే ప్రధమ మేస్త్రీకుంభరు సహా రాదవలు శ్రీ పుల్లరాయుడు తదితరులు ద్రుడోవర కలిసి కోర్టు దిగువ కొంచెం ధనమే వస్తారని సూచనలు కొన్ని తరువాత కోర్టులోపలి వచ్చి సదరు స్త్రీలు దవలు రోజున శ్రీలు కొన్ని తరువాత దవీదరినట్లు తరువాత. మిగిలిన స్త్రీలు ఆ లంచం యిచ్చి సహాయం పొందిన ధర్మ స్త్రీలు సాక్ష్యం రాత్రి లోపు అందరి కుటుంబ శ్రీ పోలీసు వారి దగ్గర వారి వారి 1871-72 వ సంవత్సరానికి గాను రద్దు స్త్రీ ధనం సాలు భవద త్తి చేసి. ఈ పని కి సదరి స్త్రీలు సోదరులు మరియు లంచం ని కొన్ని రోజులు సాక్ష్యం లు కూడా సాక్ష్యం సాక్ష్యం కూడా శ్రీలు దవలు కొన్ని రోజుల తరువాత అందరి సదరి స్త్రీలు సాక్ష్యం లు కూడా శ్రీలు దవలు కొన్ని రోజుల తరువాత అందరి కుటుంబ శ్రీ పోలీసు వారి దగ్గర వారి వారి 1871-72 వ సంవత్సరానికి గాను రద్దు స్త్రీ ధనం సాలు భవద త్తి చేసి. ఈ పని కి సదరి స్త్రీలు సోదరులు మరియు లంచం ని కొన్ని రోజులు సాక్ష్యం లు కూడా సాక్ష్యం సాక్ష్యం కూడా శ్రీలు దవలు కొన్ని రోజుల తరువాత అందరి

1877 నాటి లుప్తి నష్టం లు 7 నాటి కొంత రు ఇండియా సాక్ష్యం

శ్రీ 66వ నంబరిచ్చి

పుష్ప చాపలు మిత్తి ఫూలేది చాయలం మూడు
కొత్త పుష్పాలి.

మల్లయంతరాయుడలూ తరుస్వాములకు, లుక్షకొంది పుష్పాలకు
రిద్దిందరి మైసనంతులు సర్వాధదవలు ఉదస్నాన సేవనులూ
రుద్ర గళ్ళల్లు చేసి పుంటినిద్దరు. పంచరశాంత పుష్పాలు
మల్లె చాయలం మూ ఫూలు పరిడు స్వామి పరి రతనిశాది స్వీంది
రేలపు స్వర్ణ కాంకన గళ్ళ స్నాగా చర్మాడి చేసి పుంద మలుంచి
మూడిని పెట్టుంటారు రత్న ఫ్రాధీన కొ వాహనం రేశాదు పెట్టుంటారు
ప్రపంచ లగుబ్ర పి నుకొ లుదాస్తారి.

చేసి మలాం నుండి పుంచలదల్లి నరవల్లిగా
ల్లు మూంవ మూ స్వామి తన్ని గూంతి చ్చిల్లా పుతన్ని ఈ నియదల్లి
మూంవ నేంగ మంగళ నడు చూశారు స్వామి.

ఆద్దరింద సర్వాధదవలు దయుంచిప్పం విచారణే
యింద మల్లయంతస్వాములు శ్రీరాంపు చం-ంద్ర దేవర పుంచూంవన్ని
రిగూంల్చర మూంయలం ఆశి పుతదనం రేదుల్లి పెంటిసి పేళ్ళంది
ప్రార్థనే.

K. Vijayacharya
Agent
of Attavara Mutt.

24-1-11

13-14
MUDA

ಮೈಸೂರಿನ ಸಾರ್ವಜನಿಕರಿಗೆ ಕಟ್ಟಡ ನಿರ್ಮಾಣ
ಮಾಡಲು ಕಟ್ಟಡ ಸಮಿತಿ ರಚನೆ

ಮೈಸೂರಿನಂಥ ಚಾರಿತ್ರಿಕ ಪ್ರಸಿದ್ಧ ಪಟ್ಟಣಗಳಲ್ಲಿ ಸಾರ್ವಜನಿಕರಿಗೆ ಅನುಕೂಲವಾಗುವಂಥ ಕಟ್ಟಡಗಳನ್ನು ಕಟ್ಟಿಸಿ ಕೊಡಲು ಸಾರ್ವಜನಿಕರು ಮುಂದೆ ಬರುವುದು ಸಾಮಾನ್ಯವಾಗಿದೆ. ಇಂಥ ಕಟ್ಟಡಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅನೇಕ ಸಮಸ್ಯೆಗಳು ಉದ್ಭವಿಸುತ್ತವೆ. ಕಟ್ಟಡ ಕಟ್ಟಿಸಿಕೊಡಲು ಮುಂದೆ ಬಂದವರಿಗೂ ಮತ್ತು ಕಟ್ಟಡ ಕಟ್ಟಿಸಿಕೊಳ್ಳಲು ಮುಂದೆ ಬಂದವರಿಗೂ

ಸುಪ್ರೀಂಕೋರ್ಟು ಬೆಂಗಳೂರು ಪ್ರಾಂತ್ಯದ ಪ್ರಾಂತೀಯ ಸಣ್ಣ ಕಾರಣಗಳ ಕೋರ್ಟಿಗೆ ~~ಕೋರ್ಟಿಗೆ~~

ಬೆಂಗಳೂರು

19 —19 ನೇ ಇಸವಿ ಸುಮಾರಿನ ನಂಬರು.

ಸಣ್ಣ ಕಾರಣಗಳ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ಪ್ರಾಂತೀಯ ಕೋರ್ಟಿನ ಆರ್ಡರು

ಅರ್ಜಿದಾರರು ವಾದಿ.

ಶ್ರೀ ಲಕ್ಷ್ಮಣಸಿಂಗ ತಂದ ವೆಂಕಟ್ ರಾವ್
ಹಿ. ಸ್ಪಾನಿಯಾರ್ಡ್.

ಅರ್ಜಿದಾರರ ಪ್ರತಿವಾದಿ.

ಹಿಂದೂ ಪ್ರಜೆಯಾಗಿದ್ದು ಬೆಂಗಳೂರು ನಿವಾಸಿಯಾದ ಸುಮಾರು ೪೦ ವರ್ಷ ಪ್ರಾಯದ ಶ್ರೀ ಪಿ. ವೆಂಕಟಸುಬ್ಬಯ್ಯ ತಂದೆ ಪಿ. ಸುಬ್ಬಯ್ಯ ಇವರು

Messrs. N Lubeck
Barristers at Law

ಮ|| ರಾ|| ಎಲ್. ಹೆಚ್. ಲೂಬೆಕ್ ಬ್ಯಾರಿಸ್ಟರ್ ಅಟ್ ಲಾ ಇವರಿಗೆ

ಅರ್ಜಿದಾರ ಶ್ರೀಮಾನ್ ಜೆ. ಸ್ಯಾಮುಯೆಲ್ ಇವರಿಂದ ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ತುನಾಮ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್‌ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ, ಆರ್ಜಿ ವಗೈರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸ್ಟಾಂಪು ಪ್ರೊಸೆಸ್‌ಸ್ಟಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೈ ವಜಾ ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ, ಸಹ ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ, ಈವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇರ್ತೇನೆ.

ತಾರೀಖು 4/7/14

ರುಜು. ಪಿ. ವೆಂಕಟಸುಬ್ಬಯ್ಯ

ಈ ವಕಾಲತ್ತುನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುವದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇರ್ತೇನೆ.

J. Shamuel

ಈ ವಕಾಲತ್ತುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇರ್ತೇನೆ.

J. Shamuel

ಗಮನ: ಈ ಕಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಲ್ಲರೇ ಸ್ಟಾಂಪು ಪೇಪರ್ ಮೇಲೆ ನಿಮಿಷ ನೆಲ್ಲಿ ಮುದ್ರಿಸುತ್ತೆ

DIARY No. 416

19/3/19/4
SECTION
FILE No.
SERIAL No.

No. man was personally there. no man was known and it was per him to prosecute the documents. by the Mutt agents & man his & submit a statement. after this was done to the docs. can it was sealed cover

Rec 18/4/13

e documents e kept in the closed Sealed cover - The patent the cover will be kept in the Mudaloor

ಸಂಸ್ಕೃತ ಪ್ರಶ್ನೆಪತ್ರಿಕೆ

1. ಕೆಳಗಿನ ಪದ್ಯಭಾಗವನ್ನು ಓದಿ ಅರ್ಥವನ್ನು ಬರೆಯಿರಿ

ಯಸ್ಯಾಸ್ತಿ ಸಂಸ್ಕೃತಂ ಕಾವ್ಯಂ ಸಂಸ್ಕೃತಂ ಸಂಸ್ಕೃತಿಃ ಪರಾ ।
ಸಂಸ್ಕೃತಂ ಸಂಸ್ಕೃತಿಃ ಸಂಸ್ಕೃತಂ ಸಂಸ್ಕೃತಿಃ ಪರಾ ॥

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

2. ಕೆಳಗಿನ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರವನ್ನು ಸಂಸ್ಕೃತದಲ್ಲಿ ಬರೆಯಿರಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

ಸಂಸ್ಕೃತ ಭಾಷೆಯಲ್ಲಿ ಕಾವ್ಯವಿದೆಯೋ ಅದು ಸಂಸ್ಕೃತಿಯಾಗಿದೆ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ. ಸಂಸ್ಕೃತವೇ ಸಂಸ್ಕೃತಿ.

DIARY No. 45/

19/11/14

SECTION

FILE No. 198-11

SERIAL No.

ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಸದಸ್ಯರಿಗೆ ಅಧಿಕಾರ ಇಲ್ಲ. ಸಂಸ್ಥೆಯ ಅಧ್ಯಕ್ಷರು ಮಾತ್ರ ಅಧಿಕಾರ ಹೊಂದಿರುತ್ತಾರೆ. ಸಂಸ್ಥೆಯ ಅಧ್ಯಕ್ಷರು ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಿಂದ ಆಯ್ಕೆಯಾಗ

Before the Government of H.H. the Maharaja of Mysore in the Muzrai Department.

Re: Mudulodu Village,
(Goribidanur Taluk).

The written argument on behalf of the Uttaradi Matt in connection with the above Village alienated by one of the previous Swamy's whose resemption is now pending before the Government.

1. The Village of Mudalodu was attached by the Government on the complaint of Shanubogh Sheshappa on the ground that the alienation of the village in question by one of the p - predecessors of the present Swamy was unauthorized and left i the possession of h Amildar of the Goribidanur.

2. On the petition of the alienoss Venkata Madhwa and Jayaramachar the Government after taking the statement Jayaramachar referred the case to the Deputy Commissioner Kolar for taking further action in the matter and to report action taken to the Government and at the same time gave s months time to produce all the evidence in support of the ti fication of the alienation in their order No.916-17/Muz.E 10-95 dated 18th August 1905.

3. After the production of certain documents after some time, the Government were pleased to cancel t order of attachment and ordered the restoration of the a village.

4. The order of restoration was passed by the/Gov ernment without any notice to the Matt. Some time after wh the Petitioner Matt came to know of the restoration complai to the Government that the alienation of the village by on of the previous Swamys was unauthorised and that under orde No.266, dated 17th November 1877, they might be pleased t cancel the order of restoration and resume the said vill for the purpose of giving back the same to the Mutt.

6. The counter petitioners in their petitions to the Government for restoration of the village, state that the village of Mudulodu, according to their last deed of gift dated 1860 (Rowdri) that the said village had been gifted to them for the first time in 1842 (Subhakratu) by one of the previous Swamys without mentioning his name. The alleged first gift of 1842 is evidently false for the reason:-- (1) That the Petitioner Mutt itself was in the possession and enjoyment of the said village till 1860, which is clearly shown by certain papers produced by the Shanubogh of the village bearing dates -- (a) Subhakratu Sravan Sudda Ashtami (1843) (b). Subhakratu Kartika Sudda Navami (1843). (c) and - Pramoduta (1870). and addressed to the Shanubogh by the Mutt relating to the collection of village dues, etc., 2ndly by reason of that before the Inam settlement Officer Krishna Char father of the counter petitioner Jayaramachar who appeared as the Agent of the Mutt under general power of attorney by Satya Kama Swamy to represent the Mutt at the settlement stated that the person in possession of the village was Satya Kama Swamigalavaru ~~[illegible]~~ himself, and 3rdly the same Krishnachar stated before the Inam Commissioner that the village of Mudulodu was given as a gift by Satya Parayana Swamy in the year Rowdri for the worship of Brindavanam of Satya Vara Swamy, without making any allusion either to the alleged gift of 1842,(Subhakratu) or to the exchange of lands in the village of Donaja in the Bombay Presidency as the consideration for the gift and 4thly H. Krishnchar one of the Dowes of the village complained to the Amildar of Goribidnur claiming the said village as Douce from Satya Parayana Swamy alone against the conduct of the Shanubogh in not rendering accounts etc to him as usual;-evidently inmplying that the Shanubogh declined to recognise him as the Incumbar after the death of Satya Parayana Swamy.

6. If the 1st gift is false as shown above, then it follows that Venkata Madwachar, the son and Krishnachar, the uncle, of Satya Parayana Swamy in his poorvasrama who were managing the village in question on behalf of the Mutt during the tenure of Office of Satya Pararayana Swamy from the year 1842 to about 1862, seem to have influenced the Swamy to make gift of the said village under a deed of gift 1860(Rowdri) which they produced before the Inam Commissioner in 1871 which contained no reference whatever to the 1st alleged gift of 1842. The idea of the 9th gift seems to have been subsequently thought of simply to avoid the consequences of the Government Order No.266, dated 17th November 1877. Accordingly the deed of gift produced before the Inam Commissioner appears to have been supressed and another containing a reference to the alleged first gift was subsituted and produced before the Government.

7. The object of the gift as stated before the Inam Commissioner by Krishnachar (father of C.P.Jayaramachar) was only the worship of Brindavana of Satya Vasu Swamy. The necessity for the gift for this purpose did not exist as there was already sufficient provision for the said worship had been long previously made by the Government of Mysore by a monthly grant of Rs.25/- from the Maddagiri Taluk and by the British Government by a monthly grant of Rs. 12/- from Hindupur Taluk The Swamy had no authority to increase the cost of worship by the gift of a village whose annual income was about Rs.1000/

8. The addtitonal consideration for the gift i.e., the alleged Exchange of some lands in Donaja said to belong counter petitioners is absolutely false for the whole of the village of Donaja exclusively belong to the Mutt as is shwon by the Sannad given to the Mutt by the Government of Poona during the time of Peshwas and the counter petitioners never owned any lands therein. Their statements that they own

lands

lands in Nonaja in the absence of any reliable documentary evidence is untrustworthy.

9. The object with which the village was endowed to Mutt was to meet the cost of Paditharu Daparathana of Sri Ramachandra Devaru. This is clear from the statement of Krishna char father of G.P. Jayaramachar before the Inam Commissioner. Any alienation by any of the presiding Swamys in deviation of the primary object of the endowment is unauthorised and not binding either on the Government who made the endowment or on the successor of the Swamy who effected such alienation.

10. The counter Petitioners taking advantage of their relationship to Satya Narayana Swamys and their management of the village during his tenure of Office, have managed to obtain possession of the village and by producing questionable documents tried to secure their title.

11. The real facts of the case were not brought to the notice of the Government at the time the Order of restoration was made in favor of the counter petitioners. As the Mutt had no notice of the Government Proceedings and therefore had no opportunity to present its case before the Government.

12. This is a clear case which comes under the operation of the Government Order No.366, dated 17th November 1977 and the Government may be pleased to resume the village and handed it over to the Mutt.

H. Hanumanthaiah

Accepted

It will be convenient to deal in one note with the three cases referred for my opinion, involving as they all do the question of the validity of alienations of devadaya inams which had been granted by the State for the benefit of the Uttaradi Matt.

2. All these alienations appear to have been made between the years 1860 and 1864 by the Swami of the Matt for the time being.

3. In the case of Adaviketanahalli, it is alleged that the village was given away to one Satyasandhachar in exchange for an inam land that belonged to the latter in Dhonji village in the Bombay Presidency. While the Agent of the Matt denies the whole transaction and claims that the Dhonji lands belong to and were obtained by the Matt by gift, the alienee's son wants to make out that the alleged exchange was so far back as the year Paingala (1797-98) and has produced a number of documents in support of his contention these documents are apparently fabricated, since Satyasandhachar himself made no reference to them in his statement given before the Amildar in 1903, and did not then claim an earlier origin for this title than 1860 or so, and what is more, no claim whatsoever seems to have been put forward by him at the Inam Settlement.

Under the circumstances, the Inam Rules

of

of 1877 are clearly applicable to the case, and the village is liable to be resumed under Rule B, especially as no condition of service to the Matt was attached to the alienation. Out of consideration, however, for the alienee's long enjoyment, the following course may be adopted: -

> The Matt may be offered the choice of recovering the village on payment to the respondents of a reasonable compensation to be fixed by the Muzrai Superintendent with the approval of Government; in default of payment, the village may be subjected to full assessment and left in the possession of the alienee, the extra revenue being made over to the Matt as a cash grant.

4. Thammandanahalli village, which was originally granted for the service of Sri Ramachandra Devaru of the Uttaradi Matt, was, at the Inam Settlement of 1871, confirmed in the name of the Matt and for its support. It appears, however, to have been given to one Krishnachar in or about the year 1864-65 by the then Swami in exchange for some other lands belonging to the latter. The exchange was probably a pretence, the village being worth several thousand rupees, while the value of the lands taken in exchange was, it appears, only a few hundred rupees. Accordingly in the year 1903, the Government directed that the village should be resumed immediately and placed under Muzrai management. Krishnachar's son Jayarmachar presented a review petition,

which

which was dismissed in 1905, but on presentation of a further petition supported by new allegation and fresh documents, tending to show that the alienation was made over 100 years previously, the Government in 1906 accepted the contention and ordered the restoration of the village to Jayaramachar.

The Agent of the Uttaradi Matt now seeks reconsideration of this order.

The genuineness of the deed relied on by Jayaramachar is in my opinion open to grave doubt. There is no evidence worthy of acceptance that the village came into the possession of the alienee prior to 1864-65. The fact that he failed to put forward any such claim at the Inam Settlement is also strongly against him. But even so, there can be no question that the Rules of 1877 are directly applicable, and I am unable to accept the late Inam Officer's opinion to the contrary. He observes that "if Section 14 of the Survey Regulation is applied, it is evident that the respondent cannot be declared an Inamdar." But that Regulation which was passed in 1913, cannot be treated as retroactive in its operation; and Mr. Sanjeevaraya himself concedes that it does not repeal the Inam Rules which are of general application, whereas the Section in question only applies in terms to the proceedings of Survey Officers as such. At the same time Mr. Sanjeevaraya advocates a contrary presumption, but we adopt the same course as in the previous case.

5. In the case of the Golhalli village, the gift was made in 1864, and the grantee and his legal representatives have been in possession since then; the gift is found to have been made for the purpose of brindavana service to a prior Swami at Santebidnur; and though it may not have been actuated altogether disinterested motives -(the alienee was the son of the previous Swami, and the gift had possibly something to do with the grantor's succession)- still there is this strong circumstance that at the Settlement of 1879 the Inam Superintendent, while confirming the inam to the Matt, directed that possession should remain with the grantee, and this decision remained unimpeached for long afterwards. The Government also have once befor dealt with the matter in 1905 in favour of the alienee. For these reasons, while I hold, differing from the late First Member, that the operation of the Rules of 1877 is by no means excluded, I am nevertheless inclined to agree that the most equitable course would be to confirm the previous order and to decline to interfere with the possession of the alienee, so long that is as the brindavana service is duly performed

There is another case in the linked files which, though not specifically referred to me, I may as well touch upon here, namely the alienation of the Sarvamanya Mudalodu village The facts of this case being to a large extent similar to those of Adavikatenahalli, I suggest that it may be disposed of in the same manner.

7. Finally I would remark that the above cases strongly illustrate the need for further curtailing the powers or heads of Katte in regard to the alienation of devadaya inam lands. The Government order of 5th January 1882 (printed on page 239 of the recent revenue manual) ... penalties for improper alienation ... the removal of the families or ... in connection with the ... resumption, and consistence on compensation before resumption of the inams and the resumption of the ... on full access ... in the ... results. (There are insufficient in practice, and) I think it is desirable to go further and to declare by legislative enactment that alienations of inams granted for public ... religious or charitable ... are absolutely void unless made with the previous sanction of Government.

8 An early opportunity may also be taken to ... section 14 of the Inam Regulation so as to make it quite clear that its operation is of a further character and that it does not in any way affect the Inam Rules of 1877. The point is a very important one which has cropped up in more than one case recently, and ought not to be left to mere casual interpretation.

9. If approved by the Dewan, the points referred to in paras 7 and 8 will after the pap... have been disposed of be taken up in the ... Legislative Branches with a ... suitable action being taken.

Before the Government of H.H. the Maharaja of Mysore in the Muzrai Department.

Re - Mudalodu Village, Goribidanur Taluk

The REPLY submitted on behalf of the Respondents.

Presented by Mr. D. Sham Bhat Advocate. The original deeds have been returned to him for production at the time of hearing

4/3711

The respondents case is briefly as follow

The respondents' ancestors owned certain lands in Dhonaja, Sirdhonaja and Mumadapura in the Bombay Presidency. For mutual convenience, an exchange was effected with the Mutt, the latter giving up the Mudalodu village after receiving the respondents' lands in the Bombay Presidency. This was in the year Subhakritu (about 1843-44). The arrangement was that the extra income of the Mudalodu village should be appropriated for the services at Brindavanam at Santebidanur. The original document bearing on this subject is in the possession of the Mutt, the same having been taken back when a fresh instrument was executed by the Mutt in the year Roudri (1860-1861). This fact appears from the 1860-61 document.

Vide copy attached marked No.1. The original can be produced -

The said village (Mudalodu) continued to be in the possession and enjoyment of the respondents till 1904. As the Mutt authorities had not complied with the formality of obtaining H.H. the Maharaja's sanction in respect of succession to the swamyship, the Mutt lands were attached by Government. Mudalodu village was one of the attached properties.

Vide Order No 1521-34 dated, Bangalore, 9th November 1904.

On the motion of the respondents, the attachment was raised in respect of Mudalodu village, and shortly after the rest of the Mutt villages were also released from attachment. The facts are sufficiently apparent from the references quoted in the margin.

Vide Government Proceedings No.3556-8 - Muz. F. 10 of 1905 dated, Bangalore, 27th February 1906. Government Proceedings No. 3779-92½ - Muz F. 3-1902, dated, Bangalore, 9th March 1906.

The Mutt was fully aware of the fact that the respondents were in possession of the Mudalodu village since 1842, and also of the Government restoration order in 1906 and yet after a long lapse of time, the Mutt has chosen to put forward the present claim.

It is submitted that the Mutt has no right in law or equity to the possession now claimed. If the respondents were in adverse possession for about three-quarter of a century, the Mutt's right in law barred by time. The Mutt is also est by their conduct in vertually assen the respondents' claim when the order was made by Government in

It is noteworthy that

Mudalodu village was no
list of the properties mentioned by them. The Mutt's agent was fully cognizant of all the doings of the respondents in regard to obtaining restoration of the village as their own.

2. With reference to the written argument of the Petitioner's counsel, it is submitted as follows :-

Vide Order No. 1621 - 34 dated, Bangalore, 9th November 1904.

Para 1. The facts as represented are not quite correct. Attachment of the Mutt lands was effected not on the complaint of Seshappa as alleged, but on account of the then Swamy taking asrama without the sanction of H.H. the Maraja. All the villages alleged to belong to the Mutt were attached by Government. In any event, it is submitted that with reference to ~~a~~ complaint made about 19 years ago, the Government did interfere and decide in favour of the respondents. There was a second decision in 1903 as above stated. The present matter before the Government seems to be a species of third complaint. Evidently there seems to be no finality to the Mutt's representations.

Para 2. The facts stated are correct.

Para 3. Do.

Para 4. As to want of notice to the Mutt when the restoration order was passed, it is submitted that no private or separate notice was necessary inasmuch as the several notifications of Government published in the Gazette were in themselves sufficient notice of all that was being done. It cannot be reasonably urged that the petitioner Mutt came to know of the restoration only at or about the time the Mutt complained to Government. It is apparent that it was only just before the petitioner Mutt complained, that a happy idea struck some one interested in the Mutt to lay the present claim - advantage being taken of the circumstance of formal ~~xxxxxfxx~~ restoration. If any other course had been adopted, the Mutt's claim would prima facie be unsustainable. The following details will show how untenable the argument of the other side is :-

(a) Copy of the Government Proceedings, namely, Order No. 1621 - 34 dated, Bangalore 9th November 1904 (ordering attachment of all the Mutt lands), No. 3300-3-Muz. . 10 of 1895 dated, Bangalore, the 27th February 1906 (restoring Kudalodu Village to the respondents) and No. 3779-92½ - Muz 3-1902, dated, Bangalore, 9th March 1906 (relating the Mutt lands from attachment) were served on the Mutt.

(b) The then agent of the Mutt, Venkatachar the brother of the then Swamy, was in

Bangalore for about six months in connection with the release of attachment of the Mutt villages. The proceedings of the Government with reference to the Mudalodu village and the villages of the Mutt took place simultaneously, and the agent was fully aware of all that transpired in connection with Mudalodu village.

(c) That for the last thirty years or thereabouts, that is, during the lifetime of the two previous swamies (one being the father, and the other being the junior aunt son of the present Swamy), the present swamy was looking after the affairs of the Mutt, and was the de facto agent of the Mutt; and he has all along been aware of the fact that Mudalodu village was been in the possession and enjoyment of the repondents

Para 5. Four reasons are given for concluding that the gift or exchange regarding Mudalodu village in favor of the respondents is false :-

As to the First reason as to the alleged possession by the Mutt :—

It is submitted that the two letters of 1643 referred to as (a) and (b) are evidently spurious. Even on the assumption that the letters are genuine, they are clearly only self-serving, and can have no binding effect on the respondents who were undoubtedly in possession, and in any case cannot possibly have any connection with dues for the period subsequent to the grant (Ashada Bahula Dasami of Vikari), that is , only a month or so.

As to the third letter marked (c) of 1670, this is also not only self-serving in character, but obviously absolutely unnecessary, for the 1670 facts could not have been in existence when the Mutt, as alleged by them, was in possession only up to 1650 .

As to the Second and third reasons as to the alleged adverse statement to Inam Settlement Officer by respondents' predecessor in title :—

Much importance cannot be attached to the statement even if true, more especially as the main or the only party interested was the Mutt. Haveri Krishnachar was the agent of the Mutt at the time, and naturally everything in favor of the Mutt must have formed the primary consideration. But what has been referred to by the counsel on the other side is not all that appears in the statement before the Inam Settlement Officer. Reliance seems to have been placed on the matter contained in Columns 1,2 and 7 of the statement. The Mutt was only the Khatadar, the enjoyers being Haveri Krishnachar and Venkatanadhachar as mentioned in column 10. The reason for having mentioned the name of the Swamy and Sreeramachandra Devaru is not far to seek,

If the Village is mentioned as Devdaya, no quit rent or jodi will be levied, and it will continue to be in the possession and enjoyment of their ~~xxx~~ lenal descendants. The geneological tree mentioned at the bottom of the said statement clearly shows that the village was regarded as the absolute property of the enjoyers. Hence, whatever is stated in columns 1,2 and 7 of the statement must be read with the matter contained in column 10, which distinctly avers that the deponent, Haveri Krishnachar, and Venkatamadhwachar, were personally in occupation and enjoyment.

The idea of "service" seems to be an importation foreign to the real grant. This is evident from an ancient document dating back to the time of the Peshvas in which no mention whatever is made of service. This document is in the possession of the respondents, and can be produced.

With regard to the third reason, it is submitted that there was no necessity at that time to make allusion to the deed of gift of 1643-44(Subha ritu) or to the exchange of the lands in Dhonaja in the Bombay Presidency, as the deed of gift of Rowdri ~~year~~ produced before the Inam Commissioner, and referred to in the Inam title deed and the statement, expressly alludes to the above facts.

The Fourth reason is manifestly untenable, ~~and~~ the date when such a complaint was made is not mentioned.

Para 6. It is argued that the gift or exchange of 1643-44 is false, and that the deed of gift of 1800(Rowdri) now produced before the Government is in substitution of the real deed of gift.

The above is only speculation. The respondents aver that the deed of gift now before the Government is the same that was produced before the Inam Commissioner.

In this paragraph the other side practically concedes the factum of possession by the respondents, but adroitly suggests that that possession was not absolute, the right having been exercised only as the agent of the Mutt. This is far-fetched and inconclusive. As a matter of fact, there is not a particle of documentary evidence to support the theory. If the statement before the Inam Commissioner be relied upon, that is also inconclusive on the point ; and what destroys the theory is, that in all previous documents no mention whatever is made of the factum of agency ; ~~and~~ On the contrary what appears is entirely in favour of the respondents' contention that their right was absolute as the following documents will show :-

~~(x)~~

For the sake of convenience, the said ~~xxxx~~ list of documents is given on a separate sheet of paper ~~and~~ annexed hereto

Deed of gift or exchange of Phalguna Sudda Chadurdasi of Rowdri executed by Satyaparayana Swamy in favor of Haveri Krishnachar and Venkatamadhwachar

Para 7. Re the object of the gift. It is not correct to say that the object was the worship of Brindavanam of Satyavara swamy. The marginally noted documents establish the facts (1) that Mudaloau village was given in exchange for freehold lands in the Bombay Presidency, and (2) that the surplus revenue over and above what was realised in the Bombay Presidency as regards the lands there, may be utilized for the purposes of other worship at the Brindavanam not hitherto provided for. It is manifest therefore, that the village was given absolutely, and not solely for the purposes of Brindavanam.

The annual income of Rs 1000/- as alleged, is a gross exaggeration. About one-half the amount would be nearer the mark.

Para 8. The argument as to the Mutt's right to the whole village of Dhonaja in the Bombay Presidency to the exclusion of the rights of the ~~xxxxxxxxx~~ respondents ancestors is specious.

When the exchange above referred to was made, and there is indisputable evidence of the factum of exchange (vide "para 7" above it must be necessarily presumed that the Mutt secured possession of all the documents bearing on the lands taken in exchange. Obviously it would be a matter of extreme impossibility for the respondents to produce any documents now; but to disprove the allegation of the other side that the whole of the Dhonaja village was the property of the Mutt, the respondents rely on a deed of gift* to a member of their family on or about Margasira Suddha Shashti of Sukla Year (1910-11) of certain lands in Dhonaja by a party who was not connected with the Mutt. The contention advanced is by no means conclusive.

* that can be produced,

Para 9. Counsel for the Petitioner here repeats the substance of his contentions in paragraph 5 of his written arguments. The matter has already been dealt with in reference to the 2nd and 3rd reasons advance in para 5.

To substantiate the contention, the Mutt authorities must be in possession of documents that conclusively prove the assertion boldly made. The absence of any documentary evidence shows the weakness of the other side.

Agnapatra dated Magha Sudda Dasami of Hevilambi (1837-38) from Satyasankalpa swamy to Haveri Gururayachar(afterwards satya parayana swamy)

Do dated Ashada Bahula Dwadasi of Vikari Year.

Para 10. The argument is a repetition. The respondents rely on the marginally noted correspondence which clearly proves the absence of any mala fides on the part of Satyaparayana swamy.

Para 11. The argument here is another repetition. Before the order of restoration was made, all documents that are herein referred to were produced before the Government who finally considered the matter in all its bearings. As already remarked, the Mutt authorities were fully aware of all that transpired before Grant, at the time ; they kept quiet for years, and now endeavour to bolster up a claim that is devoid of any foundation.

Para 11. With regard to the contention put forward by the petitioner's counsel in this paragraph, the respondents submit as follows :-

The present case does not come under the operation of the Government Order No. 256 dated 17th November 1877. The petitioner has not produced any deeds to show what the object of the original grant was. On the other hand from an ancient document (referred to in 2nd para on page 4 above) dating back to the time of the Peshwas in connection with Muduloor village it is evident that the object of the original grant to the Mutt was not the performance of services to Ramachandra Devaru as now pleaded by the Mutt.

If the Government were to find that the present case comes under the operation of the above notification, the respondents submit that as they are bona fide alienees of the village for good and valuable consideration as set out in "para 7" above, the respondents, at the worst, should at least be put in possession of their original lands in the Bombay Presidency and status quo ante should be restored. This would be only reasonable, just and proper.

H. Subba Rao

T. Ramamurthy

List of documents referred to on page 4 and para 6.

1. Krodhi(1845-46)	Paimaishi account showing that the whole village was surveyed.
2. do	Agreement executed by a voddar in favor of patchipur Gururayachar for building a well in the Mudaldu village.
3. Visvavasu, Prabhava,Plavanga,Keelaka, and Sowmya (1846-47-48-49-50)	Saguvali chits executed by riots in the village in favor of Krishnachar and Venkatamadhwachar.
4. Visvavasu (1846-7)	Saguvali kagada for five years in favor of Krishnachar and Venkatamadwachar.
5. do	Loan bonds executed by riots in favor of Krishnachar.
6. Plavanga (1846-9)	Huna vasool patti showing collections of moneys from the village signed by patel and Shanbog of the village.
7. Keelaka (1846-9)	Panasool patti showing receipts of produce.
8. Plavanga and Keelaka (1846-9-50)	Loan bonds executed by riots in favor of Haveri Krishnachar.
9.Keelaka (1849-50)	Partition deed between Venkatamadwachar and Krishnachar. This recites that Mudaldu village was given by the Mutt in exchange for certain of their own lands in Dhonj etc in the Bombay Presidency, and that they and should enjoy the said village equally. This document has been produced in civil courts several times.
10. Rakshasa	Gutta chit executed by the Shanbog in favor of Krishnachar.
11. Nala	Huna vasool patti showing collections
12. Paingala	Saguvali chit executed by a riot in favor of Haveri Krishnachar.
13. 28-10-1864	~~Original~~ Certified copy of the order of the Assistant Deputy Superintendent, Kolar District to Amildar of Guribidnoor Talu enclosing the application of Haveri Krishnachar and Venkatamadwachar - re toody revenue, and asking the Amildar to send a report as to what moneys are being paid to the said persons etc.
14. 3-12-1864	Amildars report to the above with a list showing details. (certified copy produced)
15.Kalayukti	Vasoolpatti showing collections of suvarnidaya from the village.
16. Rouari	Dayga gutta chit executed in favor of Krishnachar and Venkatamadwachar.
17. From Durmati to Pramodoota (10 years)	Salhutvali Takta. A certified copy of the statement filed by Krishnachar showing the annual income of the village for 10 years before the Inam Settlement.
18. 25-9-1892	Shanbog, Sesagiri's application to the Talu for return of certain documents.
19. Karthika Sudda Saptami of Durmathi	Agnapatra from the Swamy to Patel and Shanbog of Mudaldu Village.

Mudaliar Villa

Argument

Respondents' Reply

Messrs. H. Lubeck
and T. Shanmugam
Advocates
for Respondent

8/5 4/12/13

INDIAN TELEGRAPHS.

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J. R. S. 27]

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 32 of 1916-17

Petr
~~Appellant.~~
Agent of Sri uttaradi matt.

Vs.

Cr. petrs
~~Respondent.~~
(1) Hanem Venkatamadhwacharya
(2) Hanem Jayaramacharya Son of Hanem Krishnachary.

Mem. of 1916-11

Subject.

Review-petition no. 201 of 2nd August 1911 from the Agent of Sri uttaradi matt praying for a re-consideration of Govt. order no. 3556-8 dated 27th February 1906 directing the restoration to the respondents, of the Samasthanya Village of Mudalooru in the Goribidanur Taluk belonging to the Sri uttaradi

Decision

GPB-500-12 8-16

case was
by Govt on 4th March 1915.
The contending parties were
present in person and were
also represented by Advocates.

The Sarvamanya village of
Mudalodu in the Sorabidanur
Taluk was granted as
Inam for the support of
the Uttaradi matt and was
made over to Haveri Venkata
-madhvachar and Haveri
Krishnachar - ostensibly in
exchange for some lands
belonging to them in Dorji
and three villages of the Bombay Presidency.
inam settlement in 1841, the
village was confirmed as Inam
to the matt though the
enjoyment of the grantees
was also noted. In 1901, the
village was temporarily attached
pending enquiry into the alienation
but the attachment was
removed on the aliences
producing some evidence that
the alienation was for sufficient
Consideration. The Agent of the matt

NERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

now impugns the bona fide nature of the whole transaction and claims that the Dongi lands belonged to and were obtained by the matt by gift.

On further consideration the Government are of opinion that there is no satisfactory proof either that the aliences had lands in Bombay which were exchange for the village in question or that the Swami of the matt had any right to alienate the property even for a valuable consideration.

Under the circumstances, the Inam Rules of 17th November 1874 are clearly applicable and the village is liable to Summary resumption.

GPB—20,000—7 7-14

out of consideration, however, for the alienees' long enjoyment, the matt will be offered the choice of resuming the village on payment to the alienees of a reasonable compensation to be fixed by the Mamlatdar with the approval of Govt; in default of payment, the village will be subjected to full assessment and left in the possession of the alienee, the extra revenue being made over to the matt as a cash grant —

Vera
17/8/17

Memo. No 556 — dt 31-8-917
Jmk 198-11-2

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Copy to The Dy. Comm.
Kolar Dist.

C.O.

Joint Secy.
10.8.17 9/8/17

No. 557 Dt. 31.8.917

Submitted
may be ordered
printed
Yes.
10/8/17

Copy to The Secy
Supply in myself for
favor of further needful
early action and report

C.O.

Joint Secy.
10.8.17 9/8/17

GPB—20,000—16-2-14

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

ఇలా చేసి ఈ ఆర్డినెన్సు ద్వారా
ఆ సవరణలు, 1877 లోనే అంటే
ఆ ఆక్టు అమలులోకి వచ్చిన
తరువాత ఎన్ని చర్యలు తీసుకోవడం
సాధ్యం. ఆ దిశలో ఈ ప్రభుత్వం ~~ఎలాంటి~~ ఎటువంటి
~~చర్యలు తీసుకోవడానికి~~ ప్రయత్నాలు చేసింది?
ఇప్పటికైనా దళితుల భూములు, వారి
దేవుడు మాన్యాలు వారికి అప్పగించడానికి
ఈ ప్రభుత్వం ఏమైనా చర్యలు తీసుకుంటుందా?
ఒకవేళ తీసుకుంటే ఎన్ని ఎకరాలు తీసుకుంటారు?
ఇప్పటికే ఎన్ని ఎకరాలు తీసుకున్నారు?
ఇంకా ఎన్ని ఎకరాలు తీసుకోవాలి?
ఇప్పటికే ఎన్ని ఎకరాలు ఎవరెవరికి
ఇచ్చారు? ఎన్ని ఎకరాలు ఇవ్వాలి?
ఇంకా ఎన్ని ఎకరాలు ఇవ్వవలసి ఉన్నది?
ఇప్పటికే ఇచ్చిన భూములు, వారి
దేవుడు మాన్యాలు వారికి ఇవ్వడానికి
ఈ ప్రభుత్వం ఏమైనా చర్యలు తీసుకుంటుందా?
ఒకవేళ తీసుకుంటే ఎన్ని ఎకరాలు తీసుకుంటారు?
ఇప్పటికే ఎన్ని ఎకరాలు తీసుకున్నారు?
ఇంకా ఎన్ని ఎకరాలు తీసుకోవాలి?
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ఇచ్చారు? ఎన్ని ఎకరాలు ఇవ్వాలి?
ఇంకా ఎన్ని ఎకరాలు ఇవ్వవలసి ఉన్నది?

B.O
Joint Secy.

GPB—20,000—16214

10/8/17

The following will be added:—

... for sufficient consideration, and the village restored the possession of the alienees, subject to the condition that services at the Brindavana in Santebidnur shall be performed by them as heretofore, regular accounts being rendered. The Agent of the further portion of the village effected. The Agent of the matt prays for a review of this order impugning the bona fide nature of the whole transaction

by gift. vide para 2 above.

nent.
submitting the case to Government.
m month to month.

up to date each month.
b-ing omitted, and new Serial Nos. entered.

ending	Remarks
3	7
h. Dec: 9/24	

Restoration.

No. 556—Muz. 198-11, dated 31st August 1917.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No. 32 of 1916-17.

Petitioner	*vs.*	Counter-petitioners
Agent of Sri Uttaradi Matt.		(1) Haveri Venkata Madhvachar. (2) Haveri Jayaramachar, son of Haveri Krishnachar.

Subject

Review petition No. 201, dated the 2nd August 1911, from the Agent of Sri Uttaradi Matt, praying for a reconsideration of Government Order No. 3556-8, dated the 27th February 1906, directing the restoration to the respondents, of the Sarvamanya village of Mudalodu in the Goribidnur Taluk belonging to the Sri Uttaradi Matt.

Decision.

The case was finally heard by Government on the 4th March 1915. The contending parties were present in person and were also represented by Advocates.

The Sarvamanya village of Mudalodu in the Goribidnur Taluk was granted as inam for the support of the Uttaradi Matt and was made over to Haveri Venkata Madhvachar and Haveri Krishnachar ostensibly in exchange for some lands belonging to them in Dhonji and other villages of the Bombay Presidency. At the inam settlement in 1871, the village was confirmed as inam to the Matt though the enjoyment of the grantees was also noted. In 1901, the village was temporarily attached pending enquiry into the alienation but the attachment was removed on the alienees producing some evidence that the alienation was for sufficient consideration. The Agent of the Matt now impugns the *bona fide* nature of the whole transaction and claims that the Dhonji lands belong to and were obtained by the Matt by gift.

On further consideration the Government are of opinion that there is no satisfactory proof either that the alienees had lands in Bombay which were exchanged for the village in question or that the Swami of the Matt had any right to alienate the property even for a valid consideration.

Under the circumstances, the Inam Rules of 17th November 1877 are clearly applicable and the village is liable to summary resumption. Out of consideration, however, for the alienees' long enjoyment, the Matt will be offered the choice of recovering the village on payment to the alienees of a reasonable compensation to be fixed by the Muzrai Superintendent with the approval of Government, in default of payment, the village will be subjected to full assessment and left in the possession of the alienee, the extra revenue being made over to the Matt as a cash grant.

Memo No. 556—Muz. 198-11, dated 31st August 1917.

Copy of the above is forwarded to the Deputy Commissioner, Kolar District.

By Order,

Joint Secy. to Govt., Muz. Dept.

Exd.—C. R.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)